



## Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact [support@jstor.org](mailto:support@jstor.org).

THE PUBLICATIONS OF THE SELDEN SOCIETY. Volume XXII. For the year 1907. Year Books of Edward II. Volume IV: 3 & 4 Edward II; 1309-1311. London: Bernard Quaritch. 1907. pp. xlv, 263. 4to.

This volume is in a way a memorial to the late Frederick William Maitland. A recent portrait of him forms the frontispiece, and the preface contains a brief sketch of his life. The text was prepared by him before his death with his usual minute care, after a laborious collation of the manuscripts (thirteen in number for this year); but the Introduction was prepared by Mr. G. J. Turner. The excellence of his work gives us hopeful assurance of the continuance of this invaluable series. In the Introduction several interesting questions are discussed and the evidence in favor of the conclusion reached is well marshalled. The appointment of judges is considered, and the conclusion reached that they were appointed partly from among lawyers in practice at the bar and partly from among the clerks of the courts. An interesting discovery is that the Common Bench in the thirteenth century sat in two divisions,—one for settling the pleadings (that is, for determining questions of law), and the other for trying issues; and that the judges were permanently assigned to one division or the other.

As to the cases here reported, perhaps the most interesting fact is that nearly four-fifths are newly published, so imperfect was the manuscript from which Maynard's Year Book was printed. A few points of special interest may be mentioned. The growing recognition of precedent as establishing the law is indicated by a statement of Chief Justice Bereford (p. 161): "By a decision on this avowry we shall make a law throughout all the land." The picturesque method of speech which made Bereford address a persistent lawyer, "You wicked caitiff" (p. 134) would arouse a certain envy in many a modern judge whom custom denies such freedom of expression. On one occasion a jury was unable to agree. Stanton thereupon ordered them to be put in a house till Monday without food and drink. But on the same day, about vesper-time, they agreed, and thereupon they were allowed to eat, the verdict, however, not being returned until the Monday (p. 188). An attorney was imprisoned for abuse of process in suing out process merely for delay, and was not allowed bail; Stanton charging him to "stay in gaol until you are well chastised" (p. 195). An attempt to hold a bailiff on a writ of waste was not allowed, on the ground that the proper action against him was account (p. 136).

Most of the cases are of real actions, and possess only an historical interest to students of law. There is, however, a case reported from the King's Bench of ravishment of wife, in which seisin as wife was recognized as giving the husband *de facto* an indisputable standing in the king's courts (*Gyse v. Baudewyne*, p. 4). In the case of *Petstede v. Marreys*, in the King's Bench (p. 29), a woman to whom one third of the beasts in a park had been assigned in dower was allowed to maintain trespass for taking the beasts against the person seised of the land; the court saying that she was "seised of the third part of the profit *par my et par tout*," and could have no other writ.

Altogether this is one of the most interesting and valuable of the series. It is to be greatly hoped that the lamented death of Professor Maitland will cause no interruption in the publication of the succeeding years.

J. H. B.

---

THE COMMERCE CLAUSE OF THE FEDERAL CONSTITUTION. By Frederick H. Cooke. New York: Baker, Voorhis and Company. 1908. pp. xcii, 302. 8vo.

This is a thoughtful and useful book. Although the subject is difficult and the decisions are irreconcilable, the author has not taken refuge in quotations from opinions or in summaries of decisions. On the contrary, he has attempted to derive from the words of the Constitution and from the better-reasoned cases a consistent theory. Such an undertaking is obviously dangerous, for the reader must be protected against believing that the author's theory always represents unquestioned law; but the author has fully appreciated the danger and has fur-